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0	IN THE UNITED STATES DISTRICT COURT				
.1	FOR THE NORTHERN DISTRICT OF CALIFORNIA				
2	SAN FRANCISCO DIVISION				
.3					
4	NATIONAL LAWYERS' GUILD SAN FRANCISCO CHAPTER, <u>et al.</u> ,	No. C 08-5137 RS			
.5	Plaintiffs,	JOINT STATUS REPORT AND STIPULATION TO STAY			
6	V.	PROCEEDINGS; AND [PROPOSED] ORDER			
.7	U.S. DEPARTMENT OF HOMELAND SECURITY, et al.,				
8	Defendants.				
9	/				
20					
21	WHEREAS, in an effort to narrow the iss	sues before the Court,			
22	1. The parties have entered into a series of stipulations to stay proceedings since April				
23	24, 2009, to allow Defendants to conduct secondary searches and process potentially responsive				
24	records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the				
25	Court's intervention. On October 30, 2009, as a result of those negotiations, Plaintiffs stipulated that				
26	they did not contest the adequacy of the searches performed by Defendants DHS, DHS-OIG, o				
27	CIS, or the propriety of the withholdings made by DHS-OIG; accordingly, pursuant to Rule				
28	41(a)(1)(A)(ii), the parties filed a stipulation of dismissal of this action with prejudice with respec				
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to those Defendants. Negotiations continued with respect to the remaining Defendants: CBP, EOIR, and ICE. Most recently, on May 4, 2010, the Court approved the parties' stipulations (a) to further stay proceedings through and including August 31, 2010; and (b) to submit a joint report advising the Court on the status of negotiations and processing, and/or a stipulation proposing a schedule to govern further proceedings, no later than August 31, 2010; and

- 2. EOIR has provided Plaintiffs with a letter describing the scope of its search and a preliminary, partial <u>Vaughn</u> index explaining the bases for its withholdings. In response, Plaintiffs have stipulated that they do not contest either the adequacy of the search performed by EOIR, or the propriety of the withholdings made by EOIR; and
- 3. ICE has provided Plaintiffs with a letter describing the scope of its search and a preliminary, partial <u>Vaughn</u> index explaining the bases for its withholdings. In response, Plaintiffs have stipulated that they do not contest the adequacy of the search performed by ICE. With respect to the withholdings made by ICE, Plaintiffs have responded with two objections and/or requests for clarification, and the parties have conferred to discuss the propriety of those withholdings. Plaintiffs are not yet prepared to stipulate to the propriety of those withholdings; however, further negotiation may eliminate the need for judicial resolution of these issues; and
- 4. CBP has provided Plaintiffs with a letter describing the scope of its search and a preliminary, partial <u>Vaughn</u> index explaining the bases for its withholdings; Plaintiffs have responded with several objections and/or requests for clarification; and the parties have continued to confer to discuss the scope of CBP's search and the propriety of its withholdings. Plaintiffs are not yet prepared to stipulate to the adequacy of CBP's search or the propriety of its withholdings; however, further negotiation may eliminate the need for judicial resolution of these issues; and

WHEREAS it would minimize litigation costs and conserve judicial resources to stay further proceedings in this case to permit the above-mentioned negotiations to continue, and to permit the parties to confer further as described above;

IT IS HEREBY AGREED AND STIPULATED by and between the parties, through 1 2 undersigned counsel, subject to the approval of the Court, that: Further proceedings in this case are stayed for a period of approximately 3 months 3 1. 4 through and including November 30, 2010, and 5 2. No later than November 30, 2010, the parties shall submit a joint report advising the 6 Court on the status of the above-mentioned negotiations and/or a stipulation 7 proposing a schedule to govern further proceedings. 8 // 9 // 10 // 11 // 12 // 13 // 14 // 15 // 16 // 17 // 18 // 19 // 20 // 21 // 22 // 23 // 24 // 25 // 26 // 27 // 28

1	Dated: August 25, 2010			
2	Respectfully submitted,			
3 4 5 6 7 8 9 10 11 12 13 14 15 16	/s/ Jayashri Srikantiah JAYASHRI SRIKANTIAH IMMIGRANTS' RIGHTS CLINIC STANFORD LAW SCHOOL 559 Nathan Abbott Way Stanford, CA 94305 Tel: (650) 724-2442 Fax: (650) 723-4426 LINTON JOAQUIN KAREN TUMLIN NATIONAL IMMIGRATION LAW CENTER 3435 Wilshire Boulevard, Suite 2850 Los Angeles, CA 90010 Tel: (213) 639-3900 Fax: (213) 639-3911 JARED KOPEL LISA A. DAVIS DOMINIQUE-CHANTALE ALEPIN WILSON SONSINI GOODRICH & ROSATI Professional Corporation 650 Page Mill Road Palo Alto, CA 94304-1050	TONY WEST Assistant Attorney General JOHN R. TYLER Assistant Branch Director /s/ Eric B. Beckenhauer ERIC B. BECKENHAUER, CSBN 237526 Trial Attorney U.S. Department of Justice Civil Division, Federal Programs Branch 20 Massachusetts Ave. NW Washington, DC 20530 Telephone: (202) 514-3338 Facsimile: (202) 616-8470 E-mail: eric.beckenhauer@usdoj.gov Attorneys for Defendants		
17				
18	Attorneys for Plaintiffs			
19	SIGNATURE AT	FESTATION		
2021	In accordance with General Order 45(X), I hereby attest that I have obtained Jayashi Srikantiah's concurrence in the filing of this document.			
22 23	2	_/s/ Eric B. Beckenhauer ERIC B. BECKENHAUER		
24		ORDER		
25	[PROPOSED] ORDER Pursuant to stipulation, IT IS SO ORDERED.			
26	•			
27	8/27/10	RICHARD SEEBORG		
28	3	United States District Judge		
	No. C 08-5137 RS JOINT STATUS REPORT AND STIPULATION TO STAY PROCEEDINGS			

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